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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/619,890	07/20/2000	Takashi Aizawa	1232-4635	2807

7590 04/22/2004
Morgan & Finnegan LLP
345 Park Avenue
New York, NY 10154

EXAMINER

GENCO, BRIAN C

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 04/22/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/619,890

Applicant(s)

AIZAWA, TAKASHI

Examiner

Brian C Genco

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) 8-40, 42-46 and 48-52 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 41 and 47 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Applicant's election with traverse of Group I, claims 1-7, 41, and 47 in Paper No. 7 is acknowledged. The traversal is on the ground(s) that (1) all of the groups are identified under a single class and (2) they have a common limitations between the claims. This is not found persuasive because (1) the showing of separate subclasses is a sufficient showing of burden on the Examiner and (2) while there are some common limitations between groups of claims as detailed in Paper No. 6 each group has separate utility.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 41, and 47 rejected under 35 U.S.C. 102(b) as being anticipated by (USPN 4,853,733 to Watanabe et al.).

In regards to claim 1 Watanabe discloses an electronic device operating on the basis of a variable set value, comprising:

an operating section which inputs setting instruction information (e.g., column 3, lines 29-31);

a reception section which receives the setting instruction information from an external apparatus (e.g., column 3, lines 32-41; column 7, lines 34-46; Figs. 1, 3, 11, and 15); and

a setting section which determines a set value on the basis of the setting instruction information supplied from said operating section or said reception section and storing the set value (e.g., this limitation is met in the fact that through either the operating section or the reception section set values can be set. Namely, when one of the buttons on the camera are pressed a value is set associated with that button. Further, when the reception section receives a program from the external device a value is set such that program is operated on.),

wherein a set value which can be set by said setting section includes a set value to be set on the basis of setting instruction information which can be supplied from only the external apparatus (e.g., the external apparatus supplies programs that can only be set from the external apparatus; column 8, lines 57-62).

In regards to claim 2 Watanabe discloses the device according to claim 1, further comprising a display control section which represents that the set value set by said setting section is not a set value which can be set in accordance with the setting instruction information supplied from said operating section (e.g., the out button in Figs. 3, 11, and 15).

In regards to claim 3 Watanabe discloses the device according to claim 2, wherein said device further comprises a display section which displays at least part of set value information corresponding to the set value determined by said setting section, and

said display control section displays an index on said display section (e.g., the buttons on Figs. 11 and the bar codes on Fig. 15).

In regards to claim 4 Examiner notes that there is inherently some sort of recording medium for taking pictures in a camera wherein the pictures are recorded in accordance with the program loaded into the camera from the external device.

In regards to claim 5 Examiner notes that a recording medium and a memory are synonymous and therefore some sort of memory is inherent in a camera.

In regards to claim 6 Examiner notes that Watanabe's camera is a film camera as evidenced through the provision of a winding motor shown in Fig. 2.

In regards to claim 7 Watanabe's invention is a camera.

In regards to claims 41 and 47 see Examiners notes on the rejections above. Note that the claimed storage medium which stores a control program for controlling an electronic device as claimed in claim 47 is inherent in Watanabe's invention as part of the CPU.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian C. Genco who can be reached by phone at 703-305-7881 or by fax at 703-746-8325. The examiner can normally be reached on Monday thru Friday 8:30am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is 703-308-4357.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian C Genco
Examiner
Art Unit 2615

April 19, 2004



ANDREW CHRISTENSEN
SUPERVISORY PATENT EXAMINER
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